



METROPOLITAN  
TRANSPORTATION  
COMMISSION

Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, CA 94607-4700  
TEL 510.817.5700  
TDD/TTY 510.817.5769  
FAX 510.817.5848  
E-MAIL [info@mtc.ca.gov](mailto:info@mtc.ca.gov)  
WEB [www.mtc.ca.gov](http://www.mtc.ca.gov)

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# *F A C T   S H E E T*

## **Summary of Senate Bill 743 (Steinberg, 2013)**

### **Changes to Transportation Analysis Under California Environmental Quality Act**

#### **1. Changes to Transportation Analysis: Level of Service**

The bill requires the Office of Planning & Research (OPR) to prepare revised California Environmental Quality Act (CEQA) guidelines for adoption by the Secretary of the Resources Agency to establish criteria for determining the transportation impacts of projects within transit priority areas that promote the following:

- Reduction of greenhouse gas emissions
- Development of multimodal transportation networks
- A diversity of land uses

OPR is also required to recommend alternate metrics to measure transportation impacts, that may include, but are not limited to, vehicle miles traveled or auto trip generation rates. Upon certification of the guidelines, auto delay, as described by level of service (LOS) or similar measures of traffic congestion, may not be considered a significant impact, *except* in locations identified in the guidelines. This gives OPR the option of excluding the use of LOS even beyond transit priority area boundaries.

#### **2. New Expansion of Specific Plan CEQA Exemption**

Expands on existing CEQA exemptions related to residential projects to create a new section (Public Resources Code 21155.4) that exempts from CEQA an employment center, or mixed-use project, including any subdivision or zoning change that meets the following criteria:

- Is within one-half mile of a major transit stop that is existing or planned, if planned stop is within adopted four-year federal Transportation Improvement Program (TIP).
- Is undertaken to implement and is consistent with a specific plan for which an EIR has been certified.
- Is consistent with general use designation, density, building intensity and applicable policies specified for project area in a sustainable communities strategy (SCS).

Exceptions to this are as follows: 1) if substantial changes have occurred to the project; 2) if substantial changes occur with respect to circumstances in which the project is being undertaken; or 3) if new information that could not have been known at the time the EIR was adopted becomes available.

#### **3. Changes to Role of Parking & Aesthetics in CEQA Review**

Within transit priority areas, SB 743 eliminates aesthetics and parking impacts of a residential, mixed-use residential, or an employment center project on an infill site. Aesthetic impacts do not include impacts on historical or cultural resources. In addition, the bill doesn't change the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers.

#### **4. New Authority for Local Agencies to Establish Infill Opportunity Zones**

The bill revives the ability of a city or a county to create an **infill opportunity zone** (IOZ) and makes creation of such a zone much simpler than under prior law. To establish an IOZ, the city or county must simply adopt a resolution that determines the IOZ is: 1) consistent with the general plan and any applicable specific plan and 2) is a **transit priority area** within an SCS that has been adopted. Level of service standards that are otherwise required as part of a county's congestion management program do not apply to streets and highways located within an IOZ. Thus, a congestion management agency would not be required to adopt a "deficiency plan" for corridors within an IOZ that experience an increase in traffic.

#### **Quick Reference: Definitions**

**Employment Center Project:** A project located on property zoned for commercial use with a floor-area ratio no less than 0.75 and that is located within a transit priority area. **PRC § 21099 (a)(1)**

**High-Quality Transit Corridor:** A corridor with a fixed-route bus service with service intervals no longer than 15 minutes during peak commute hours. **Government Code § 65088.1**

**Infill Opportunity Zone:** A specific area designated by a city or county that is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. **PRC § 65088.1 (e)**

**Infill site:** A lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from parcels that are developed with qualified urban uses. **PRC § 21099 (a)(4)**

**Major Transit Stop:** A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. **PRC § 21064.3**

**Transit Priority Area:** An area that is within one-half mile of a **major transit stop** that is existing or planned, if the project is scheduled to be completed within the planning horizon included in an adopted federal Transportation Improvement Program. **PRC § 21099 (a)(7)**